

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:03-CR-77-T-30TBM

**SAMI AMIN AL-ARIAN
HATEM NAJI FARIZ**

PROPOSED SUPPLEMENTAL VOIR DIRE

Defendants Sami Amin Al-Arian and Hatem Naji Fariz, by and through undersigned counsel, hereby respectfully submit their proposed supplemental voir dire:

INSTRUCTION TO THE ENTIRE PANEL

As you recall a number of days ago, I advised you that I had received an anonymous note. The note requested that I tell a juror or jurors to keep their opinions to themselves. Through the questioning of your fellow jurors, the Court received information that jurors have been discussing the case or making unsolicited comments concerning evidence in this matter. There is also information indicating that a juror or jurors have made statements concerning matters that could have only come from sources outside this Courtroom, such as newspapers, magazines, radio or television.

In the past, I have admonished you the jury not to discuss this case or develop opinions until all of the evidence has been presented; and, you as jurors took an oath that you would not. The purpose behind these instructions was to ensure that the men on trial, as well as the government, receive a fair and just trial. Likewise, the purpose for the questions I am

about to ask is to ensure a fair and just trial. Were you a party in this case, you would want the benefit of a fair trial. You are not in trouble nor will your responses result in any other juror getting in trouble. We greatly appreciate your jury service and understand the great sacrifice of your time that you have already made. At this time, I will question each juror individually.

INDIVIDUAL VOIR DIRE

1. Have you heard comments or discussions concerning this case, the parties, the defendants, the lawyers, the witnesses, the entities or any issues related to this case?

If so, by whom?

To whom? Did you observe any reactions/responses by others?

What have you seen or heard?

How often?

How has it affected you?

2. Have you personally made any comments, no matter how casual or insignificant, or participated in any discussions, concerning this case, the parties, the defendants, their activities or associations, the lawyers, the witnesses, the entities, or the evidence or any issues related to this case?

If you made any comments, to whom? What were the reactions/responses? What was discussed?

If you participated in a discussion, what was discussed? Who participated in the discussion?

How often were you part of a discussion or conversation?

3. Since there was some indication that information from outside sources has been discussed, have you learned of any information, besides what you have learned in this Courtroom, even by accident, of any matter related to this case?

If so, what did you hear?

What was the source of the information?

How has it affected you?

4. Have you related to other jurors anything that you might have learned or read about, besides what you have learned in this Courtroom, concerning the Middle East, Hamas, the Palestinian Islamic Jihad, and/or any other matter which touches upon this case?

5. Has any juror related to you any information concerning the Middle East, Hamas, the Palestinian Islamic Jihad, and/or any other matter which touches upon this case?

6. Have you formed any opinion at this time about the guilt or innocence of any of the defendants as a result of any information that has been related to you outside the evidence presented in the Courtroom?

If so, have you done anything to relate that opinion to other members of the jury?

7. Have you formed any opinion at this time regarding any of the issues in this case?

If so, have you done anything to relate that opinion to other members of the jury?

8. Has any juror expressed to you any opinion regarding any of the issues in this case?

9. Have you overheard any other juror express any opinion about any issue related to this case?

10. Is there any reason that you feel that your ability to be fair and impartial has been affected or compromised?

11. Is there any reason you cannot continue to serve on this jury?

WHEREFORE, Defendants Sami Amin Al-Arian and Hatem Naji Fariz hereby respectfully request the foregoing proposed supplemental voir dire.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

/s/ Kevin T. Beck

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of September, 2005, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; Alexis L. Collins, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ Kevin T. Beck

Kevin T. Beck
Assistant Federal Public Defender